

### **REMARKS**

Applicant has carefully reviewed and considered the Advisory Action mailed on May 2, 2005, and the references cited therewith.

No claims are amended, and no claims are added; as a result, claims 1-5, 9, 10, and 13-26 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-5, 9, 10, and 13-26 were rejected under 35 USC §102(e) as being anticipated by Comiskey, et al. (U.S. Patent No. 6,473,072). Applicant does not admit that the Comiskey, et al. reference is prior art and reserves the right to swear behind the same at a later date.

With respect to independent claims 1 and 10, the Examiner asserted that the Comiskey, et al. reference describes all the elements and limitations of independent claims 1 and 10. Specifically, the Examiner cited col. 14, lines 47-53 and col. 16, lines 60-68 of the Comiskey, et al. reference as describing a user interface device for enabling the electronic paper display to present a user with a plurality of reference images grouped for display on the electronic paper display device to assist the user in drawing on the writing surface over a selected one of the plurality of reference images.

The Examiner cited col. 16, lines 60-68 of the Comiskey, et al. reference as teaching a display that can show "an interactive series of images." The Comiskey, et al. reference states that this display "thereby can serve as a . . . cheap web browser." (See col. 16, lines 66-67 of the Comiskey, et al. reference). Thus, the context for the interactive series of images is web browsing, not selecting one of the images to be drawn upon.

Specifically, according to the Comiskey, et al. reference, in a web browsing context, a display will presumably show an interactive series of images one following another as a user clicks upon a "hot link," which provides the interactivity. Applicant asserts that it is in this context that the images are consecutively (i.e., in series) accessing web pages by interacting to navigate the Internet.

Upon this basis, Applicant asserts that the Comiskey, et al. reference does not teach that a plurality of images are presented together on the display. What the Comiskey, et al. reference indicates is that a single image may be displayed at any

one time and, in web browsing, images may be interactive in the sense that a user can click one an image presented and another image will take its place, as is customary with web browsers.

In this way, one image may link to another image, with each image being displayed one at a time. The Applicant can find no evidence in the Comiskey, et al. reference that more than one image is even displayed at a time, much less, that an image is selected from a plurality of displayed images. Even Examiner's cite of col. 16, lines 66-67 is ambiguous at best in this respect.

In contrast, Applicant's independent claim 1 recites, besides other things:

a user interface device for enabling the electronic paper display to present a user with a plurality of reference images grouped for display on the electronic paper display device to assist the user in drawing on the writing surface over a selected one of the plurality of reference images.

And, Applicant's independent claim 10, recites, besides other things:

displaying on the electronic paper display device a plurality of reference images; and  
enabling a user to select a predefined image from the plurality of reference images for display on the electronic paper display device, where the predefined image assists the user in drawing on the writing surface over the predefined image displayed by the electronic paper display.

The Applicant asserts that the Comiskey, et al. reference does not teach a user interface device for enabling the electronic paper display to present a user with a plurality of reference images for display, as in claim 1 or enabling a user to select a predefined image from the plurality of reference images, as in claim 10.

Furthermore, since the Comiskey, et al. reference does not present a plurality of reference images for display, the reference does assist or enable the selection of one of the plurality of reference images, as in claims 1 and 10. As such, Applicant submits that the Comiskey, et al. reference does not expressly nor inherently teach each and every limitation of Applicant's independent claims 1 and 10.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejections of Applicant's independent claims 1 and 10.

*§103 Rejection of the Claims*

Claims 20 and 24 were rejected under 35 USC §103(a) as being unpatentable over Comiskey, et al. (U.S. Patent No. 6,473,072). Claims 5, 14, and 15 were rejected under 35 USC §103(a) as being unpatentable over Comiskey, et al. (U.S. Patent No. 6,473,072) in view of Chery (U.S. Patent No. 6,177,927). Claims 17 and 26 were rejected under 35 USC §103(a) as being unpatentable over Comiskey, et al. (U.S. Patent No. 6,473,072) in view of Applicant's admitted prior art.

Claims 5 and 20 are dependent upon claim 1 and, claims 14, 15, 17, 24, and 26 are dependent upon claim 10. The Chery reference and admitted prior art, as asserted by the Examiner, do not cure the deficiencies of the Comiskey, et al. reference. Accordingly, since these claims depend from allowable independent claims 1 and 10 respectively, Applicant respectfully requests reconsideration and withdrawal of the §103 rejections of Applicant's independent claims 1 and 10.

Conclusion

Applicant respectfully submits that the claims are allowable and earnestly requests reconsideration and allowance of the pending claims. The Examiner is invited to telephone Applicant's attorney, Gregg W. Wisdom, at (360) 212-8052.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 9<sup>th</sup> day of May, 2005.

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Respectfully Submitted,  
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